

IN THE HIGH COURT OF JUDICATURE AT PATNA

CR. REV. No.482 of 2008

1. Gorakh Sah S/o Late Rajdeo Sah

2. Pramod Sah S/o Late Rajdo Sah

3. Mahesh Sah S/o Late Isarwan Sah

All resident of village Malda P.S. Shikarpur Dist. West Champaran

Versus

STATE OF BIHAR THRU.COLLECTOR. &ORS

2 03.12.2008 This revision application has been preferred against the order dated 15.3.2008 passed by the Addl. Sessions Judge FTC No.II, West Champaran (Bettiah) in Criminal Revision no. 149 of 2007 whereby a proceeding initiated under section 145 Cr.P.C, by the S.D.M, Nakartiyaganj vide order dated 15.1.2007 between the parties has been set aside.

Heard learned counsel for both the parties.

On perusal of the impugned order, it is quite apparent that the court below has set aside the order initiating proceeding under section 145 Cr.P.C on the ground that on the date of the initiation of the proceeding title suit was pending between the parties on the said piece of land. He has relied upon a decision in the case of **Ram Sumer Puri Mahant vs. State of U.P. and others reported in 1985 SC 472.**

In course of submission, learned counsel for the petitioners submits that on the alleged date of the initiation

of the proceeding a title suit was pending filed by the petitioners but same has now been dismissed in default.

Having regard to the facts and circumstances of the case as well as the principle of law laid down in above decision, I find no illegality in the impugned order. The court below has rightly set aside the proceeding initiated under section 145 Cr.P.C.

Accordingly, this application is dismissed.

shahid

(Ghanshyam Prasad, J)

